

THE MEETING OF
THE COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, NOVEMBER 29, 2011
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Juan Carlos "J.C." Polanco
Secretary Gregory C. Soumas

Commissioners Araujo, Barrera, Dent, Guastella, Schacher, Sipp, Stupp,
Umane

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Valerie Vazquez, Director, Communications and Public Affairs
Raphael Savino, Director, Campaign Finance Reporting Enforcement
John Naudus, Manager, Electronic Voting Systems
Daniel Lavelle, Supervisor, Phone Bank and Front Counters
Giacomo Kmet, Temporary Attorney, OGC
James Barron, Temporary Attorney, OGC
Diane Rudiano, Chief Clerk, Brooklyn Office
Maryrose Sattie, Deputy Chief Clerk, Brooklyn Office
Anthony Andriulli, Deputy Chief Clerk, Staten Island Office
Lisa Sattie, Administrative Associate, Staten Island Office
Anthony Ribustello, Deputy Chief Clerk, Bronx Office
Marricka Scott-McFadden, Deputy Chief Clerk, Bronx Office
Robert Pataky, Administrative Assistant, Queens Office
John Bougiamas, Administrative Associate, Queens Office
Gregory Lehman, Chief Clerk, Manhattan Office
Timothy Gay, Deputy Chief Clerk, Manhattan Office
Charles S. Webb, III, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Jerome Koenig
Alberto Gonzalez, Kings County Democratic Committee

Marjorie Shea, Women's City Club
John Smith
Kate Doran, LWV
Liz Brown, for Council Member Gale Brewer
Rev. David Kayode
Judd Ryan, ES&S
M. Aronson
Stewart Armstrong, Campaign Finance Board
Kevin Maloney, Citizens Union
Garth Marchant
Teresa Hommel

President Polanco called the meeting to order at 1:37 P.M.

President Polanco announced that the Commissioners would conduct the meeting of the Board of Canvassers in the City of New York for the purpose of certifying the results of the November 8, 2011 General Election conducted in the City of New York.

President Polanco designated Commissioner Schacher to serve as the second Republican Member of the Canvassing Board to sign the certified statements for the respective counties and for Bronx County.

Secretary Soumas designated Commissioner Araujo as the second Democratic Member of the Canvassing Board to sign the respective Counties and for New York County Certifications.

Mr. Andriulli and Ms. Sattie, on behalf of Ms. Del Giorno, presented the signed Statement and Return of Canvas for the Office of the District Attorney and the Office of Justice of the Supreme Court for Richmond County. Commissioner Sipp stated that he and Commissioner Guastella have reviewed the Statement and Return of Canvass. The Staten Island Staff submitted the documents to the Canvassing Board for review and approval.

Presented Polanco noted that Commissioner Guastella joined the meeting.

Mr. Andriulli and Ms. Sattie confirmed that the results presented in the reports are accurate and correct. There were no discrepancies and the audit of voter verifiable audit records required by Section 9-211 of the New York State Election Law has been successfully completed. Commissioner Sipp moved to certify the Statement and Return of Canvass for the General Election conducted in Richmond County on November 8, 2011. Commissioner Guastella seconded the motion, which was unanimously adopted.

Mr. Pataky, on behalf of Ms. Conacchio, and Mr. Bougiamas, on behalf of Ms. James, presented the signed Statement and Return of Canvass for the Office of District Attorney, Office of Justice of the Supreme Court and Member of the City Council for the 28th Council District for Queens County. Commissioners Araujo and Stupp stated that they have reviewed the Statement and Return of Canvass. The Queens Staff submitted the documents to the Canvassing Board for review and approval. Mr. Pataky and Mr. Bougiamas confirmed that the results presented in the reports are accurate and correct. There were no discrepancies and the audit of voter verifiable audit records required by Section 9-211 of the New York State Election Law has been successfully completed. Commissioner Stupp moved to certify the Statement and Return of Canvass for the General Election conducted in Queens County on November 8, 2011. Commissioner Araujo seconded the motion, which was unanimously adopted.

Mr. Ribustello and Ms. Scott-McFadden presented the signed Statement and Return of Canvass for the Office of District Attorney for Bronx County. President Polanco and Commissioner Barrera stated that they have reviewed the Statement and Return of Canvass. The Bronx Staff submitted the documents to the Canvassing Board for review and approval.

Mr. Ribustello and Ms. Scott-McFadden confirmed that the results presented in the reports are accurate and correct. There were no discrepancies and the audit of voter verifiable audit records required by Section 9-211 of the New York State Election Law has been successfully completed. Commissioner Barrera moved to certify the Statement and Return of Canvass for the General Election conducted in Bronx County on November 8, 2011. President Polanco seconded the motion, which was unanimously adopted.

President Polanco noted that Ms. Sandow, Ms. Perkins, Mr. Richman and Mr. Savino have joined the meeting.

Mr. Lehman and Mr. Gay presented the signed Statement and Return of Canvass for the Office of Justice of the Supreme Court and Office of Judge of the Civil Court for New York County. Secretary Soumas and Commissioner Araujo stated that they have reviewed the Statement and Return of Canvass. The Manhattan Staff submitted the documents to the Canvassing Board for review and approval. Mr. Lehman and Mr. Gay confirmed that the results presented in the reports are accurate and correct. There were no discrepancies and the audit of voter verifiable audit records required by Section 9-211 of the New York State Election Law has

been successfully completed. Commissioner Araujo moved to certify the Statement and Return of Canvass for the General Election conducted in New York County on November 8, 2011. Commissioner Sipp seconded the motion, which was unanimously adopted.

Ms. Rudiano and Ms. Sattie presented the signed Statement and Return of Canvass for the Office of Justice of the Supreme Court and Office of Judge of the Civil Court for Kings County. Commissioner Schacher stated that she has reviewed the Statement and Return of Canvass. The Brooklyn Staff submitted the documents to the Canvassing Board for review and approval. Ms. Rudiano and Ms. Sattie confirmed that the results presented in the reports are accurate and correct. There were no discrepancies and the audit of voter verifiable audit records required by Section 9-211 of the New York State Election Law has been successfully completed. Commissioner Schacher moved to certify the Statement and Return of Canvass for the General Election conducted in Kings County on November 8, 2011. Commissioner Guastella seconded the motion, which was unanimously adopted.

Commissioner Schacher moved for the Board of Canvassers to authorize the staff to affix the applicable signature stamps to the

appropriate Statement of Return of Canvass adopted by the Board. Commissioner Araujo seconded the motion, which was unanimously adopted.

President Polanco noted that Commissioner Umane joined the meeting.

Secretary Soumas moved to adjourn the meeting of the Board of Canvassers and to convene the stated meeting of the Board. Commissioner Araujo seconded the motion, which was unanimously adopted.

Commissioner Araujo moved to adopt the minutes of the November 15, 2011 and November 22, 2011 meetings. Commissioner Barrera seconded the motion. In a roll call vote, there was seven (7) in favor (Araujo, Barrera, Guastella, Polanco, Schacher, Soumas, Stupp) and three (3) abstaining (Umane, Sipp and Dent). The motion was adopted. Commissioners Umane, Sipp and Dent noted that they abstained because were not present at those meetings.

Commissioner Schacher requested to discuss a Brooklyn personnel matter in Executive Session.

President Polanco requested to discuss a Bronx personnel matter in Executive Session.

President Polanco tabled Mr. Ward's item until he arrives at the meeting.

Ms. Perkins reminded that the New York Assembly Committee on Election Law and Subcommittee on Election Day Operations and Voter Disenfranchisement will be conducting a Public Hearing on Thursday, December 1, 2011. Ms. Perkins stated that Board staff will present the proposal on Article 9 in the NYS Election Law and Mr. Ward's FY12 Budget Update memorandum, which was presented at the November 15, 2011 meeting. She stated that Mr. Ward is currently revising the budget memorandum. Commissioner Schacher recommended for the Board to present a brief testimony at the Hearing.

President Polanco noted that Mr. Ward joined the meeting.

Mr. Ward presented the Comparative Expenditures Report dated November 29, 2011. A copy of the report is in the agenda.

Mr. Ward distributed copies of the revised draft FY12 Budget Update memorandum to the Commissioners. He summarized the revisions. Mr. Ward stated that the 2011 General Election Poll Worker (PW) payroll was completed today and there is an additional \$400,000 in savings. He reported that the 2011 PW payroll was a total of \$5.8 million and the 2010 PW payroll was a total of \$6.4 million. Mr. Ward stated that the Program to Eliminate the Gap (PEG) currently stands at \$15,387,135. There is a total of \$4,135,800 necessary, but unfunded items in Other Than Personal Services (OTPS).

Mr. Richman reported on the Board's recommended modifications to the New York State Election Law. He distributed copies of a draft memorandum to the Commissioners concerning his review of Article 9 of the NYS Election Law. He stated that the Legislature did not act on all of the Board's recommended revisions in the NYS Election Law which were submitted in April 2011 and June 2011. Mr. Richman stated that in accordance with the Commissioners direction earlier this year, the staff of the Office of the General Counsel (OGC) began a review of the current

statutory framework for the closing of the polls and the canvass and recanvass of votes cast at each and every election for public office and party position conducted within the State of New York. He stated that statutory framework was designed to create and has established the most comprehensive and detailed process to ensure that in the State of New York each and every vote lawfully cast by an eligible voter is counted accurately and correctly. Mr. Richman stated that is an intricate series of checks and balances designed to promote the integrity of the voting process and avoid even the appearance of impropriety or irregularity. Bi-partisan Poll Workers operate at the poll sites with designated Police Officers which maintain order at the polls and serves as the secure repository for all election materials, transport and press release reporting of unofficial results. Mr. Richman stated that the Commissioners have expressed a concern over the time-consuming process that the law prescribes for election Inspectors to follow when the polls close. He stated that while some parts of the process are long-standing, others were added as recently as 2010 to specifically address the new complications created with the first statewide deployment of the new voting systems (using scanable paper ballots). The concern of the Governor and Legislature for the integrity of the system is clearly evident by the statutory amendments they enacted in Chapter 163 of the Laws of 2010 (July 2010).

Mr. Richman noted that there are two (2) memoranda attached to his report outlining in detail the current statutory provisions governing the close of the polls and the conduct of the canvass at the polls upon their closing. He stated that each and every Election District (ED) must have its own scanner for the Board to be able to comply with the provisions of Article 9, most particularly Sections 9-102 and 9-106. The Inspectors for each Election District must specifically account for all of the ballots delivered to that ED for Election Day. One advantage would reduce the current time consuming process to fulfill those closing requirements. If the number of emergency ballots exceeds the number calculated that should be there, the Inspectors remove excess ballot(s) until the number of emergency ballots equals the number that should be there according to the calculation made by the Inspectors in accordance with the formula prescribed in Section 9-106. This allows for proper counting of the ballots for the given election. Mr. Richman stated that the key is to have honest, dedicated and properly trained Poll Workers to ensure the integrity of the electoral administration. Technology can assist in the conduct of elections, but cannot replace essential human element. He stated that in conducting this review, other potential modifications suggested to reduce the time needed to close of the polls or change the statutory procedures, would in his opinion, weaken the firm, comprehensive and elaborate series of protections enshrined into the

Election Law and give rise to new allegations of fraud and abuse. Mr. Richman stated that some have said to just print out the results tape, have the Inspectors sign it and send it along with the Portable Memory Device (PMD), but the concept is dangerous. He stated that the Board has had the good fortune to date to not having a close election, or hotly contested election using the new voting equipment. Mr. Richman stated that what may appear to be insignificant changes to some in the well-designed and proven statutory system, in a close race, any such radical changes could prove to be the New York State equivalent of Florida's hanging-chads. Mr. Richman stated that other statutory changes can be made that do not jeopardize the integrity of the electoral process. To reduce the number of scanners that the Board needs, the Board should continue to support the NYS Election Commissioners Association recommendation to increase the number of eligible voters in each ED from the current maximum of 1,150 to no more than 4,000 (the maximum number of voters for each scanner permitted under the State Board Rules). This change should also reduce the number or eliminate the need for additional scanners the Board would have to purchase to comply with the requirements of Article 9 of the Election Law. Mr. Richman stated that there are other radical changes to abolish EDs as the basic political subdivision of NY for the purposes of registration and voting. Among the

potential substitutes would be to establish poll sites as the basic political subdivision, but this may also create collateral issues such as not being able to have different political subdivisions in the same poll site, necessitating the identification and designation of additional locations as poll sites. Mr. Richman recommended that the Commissioners authorize and direct the staff of the Board to calculate the number of additional scanners needed (both under the current law and the recommended revision set forth) to allow the Board to meet its statutory responsibilities and to advise the Mayor and the City Council of the amount of funds needed to acquire the necessary equipment. Mr. Richman also recommended that the Commissioners authorize and direct Board staff to communicate to the Assembly Committee the urgent need to enact all of the proposals submitted this year by the Board with respect to increasing the Board's ability to perform its functions and better serve the voters along with a new recommendation to amend Section 4-100(3)(1) of the Election Law to increase the number of voters in each ED (not exceeding 4,000 in each ED).

Commissioner Umame recalled that the Commissioners asked for the OGC Staff to develop changes that would need to be made so the Board would not need to have one (1) scanner per each ED. Mr. Richman stated

that the scanner's software would have to be changed so that it can report on the public counter by ED. He stated that the current scanner is configured and certified for a one (1) page ballot. For example, if a two-page ballot, due to language requirements in certain districts, is inserted then the public counter would be off. Commissioner Umane stated that the Commissioners wanted a layout of the changes in order to maximize the use of the scanners. He stated that it is a massive re-thinking of the way the elections have been conducted in the past. Commissioner Umane believes that the Board can keep track of the ballots and provide initial Election Night reporting based on the scanner totals and not on ED totals. There would have to be certain changes in the section of the law that requires an announcement of total by ED. Commissioner Umane stated that the OGC Staff's report is very thorough, but it is not what the Commissioners initially requested. Mr. Richman stated that according to the OGC Staff's opinion it would threaten the integrity of the process because the Board would not be able to properly account for all of the ballots on Election Night. He stated that according to the law, if the number of Emergency ballots exceeds the number calculated that should be there, the Inspectors have to remove excess ballot(s) until the number of Emergency ballots equals the number that should be there according to the calculation made by the Inspectors. The process is the initial check.

Commissioner Umane stated that the Commissioners wanted to make a recommendation to change the whole system and try to facilitate the use of the best ability of the scanner which is to have it available for multiple EDs and for the whole poll site and to generate a results report by pushing a button then having that report for Election Night reporting. He stated that the Board still has the ability, post-Election Day, to be able to give reports based on EDs. Commissioner Umane stated that there was a general consensus among the Commissioners that elected officials and the candidates who are running care very deeply about who won on Election Night. He would like the job as easy as possible on Election Night without a three (3) hour process. Commissioner Araujo concurred with Commissioner Umane. He did not believe that the OGC Staff's memorandum addressed the Commissioners' concerns. Commissioner Araujo stated that the NYS Election Law needs to be revised for the new technology and the memorandum does not address that issue. Commissioner Sipp stated that these are recommendations as administrators for the people who are making the laws. He inquired if the people who are writing the laws made any progress on this matter to this date. Mr. Richman stated that nothing has been introduced to this date. Commissioner Sipp reiterated that administrators do not write the law.

President Polanco recognized Jerry Koenig, a member of the public, who spoke about an excess amount of ballots on Election Night.

President Polanco recognized Teresa Hommel, a member of the public and Lead Poll Worker Trainer, who spoke about the rules for excess amount of ballots on Election Night.

Commissioner Stupp inquired if the OGC Staff consulted with the Borough Office Staff, particularly the Voting Machine Technicians (VMTs), when drafting the memorandum. She stated that the VMTs work with the voting systems everyday and with the post-Election issues. Commissioner Stupp stated that there needs to be realistic procedures that will work with the Board's Poll Workers and Inspectors. She stated that she prefers the one (1) scanner option per ED because the results reporting tapes can be confusing for the Poll Workers and Poll Watchers. Mr. Richman stated that the OGC Staff did not consult directly with the Borough Office Staff, but with the appropriate staff members of the Electronic Voting Systems Department and the Voting Equipment Operations Unit Department.

Secretary Soumas stated that he would like to discuss the process of closing the scanner on Election Night and the actual hardware in the scanner.

President Polanco recognized Judd Ryan, a representative of ES&S, who explained the PMDs in the scanner. He stated that there are two (2) PMDs in each scanner. One PMD is in the front of the scanner where the Poll Worker uses the key to close the polls and to gain access to it. That particular PMD has the election definition and copy of the results on it. The other PMD is a back-up and under a separate lock and key. Upon the close of the polls, that PMD has a back-up of the Election Night results on it. Mr. Ryan stated that the State Board wanted to have an additional copy should the initial PMD get lost in transportation. There are two (2) copies of election results for each scanner.

Secretary Soumas stated that when a poll site is closed the Board keeps its own independent tally. Mr. Richman stated that the program produces three (3) copies of the results tape. The first results tape is taped on the poll site's wall, the second tape is used for the ED Inspector's Return of Canvass, and the third tape is a paper record of the unofficial results by ED, which is a modification. Mr. Richman stated that lawfully the

Board is only required to produce one (1) results tape. He stated that before the results tape is printed, the Poll Workers are supposed to reconcile the ballots. Secretary Soumas asked how long the Board has to keep the two (2) PMDS. Mr. Richman replied twenty-two (22) months following the completion of the election, providing there is no ongoing judicial proceedings on that machine or an ongoing investigation. He stated that the PMDs are election records according to the Federal and State law. Mr. Richman stated that "election record" is a very broad definition. Secretary Soumas stated that the Legislature and State Board, who drafted the law, does not conduct elections. He recommended for a statutory revision to add a third PMD to the scanner, or to recommend that the statute be amended so that the Board can give the 2nd PMD to the Police Officers. He stated that it would save the tax payers some money. Ms. Sandow confirmed that recommendation would eliminate the Return of Canvass on Election Night and the Poll Workers would give the 2nd PMD to the Police Officer. Secretary Soumas replied yes. Mr. Richman was concerned with the integrity of the ballots if there were excess or shortage. Ms. Sandow stated that the Poll Workers can perform the opening certification, closing certification, attach the results tape and use the tally sheet for counting the ballots. Mr. Richman was concerned with that process. Secretary Soumas suggested to either adding another PMD in

the scanner, which would be costly and ES&S has to develop many proposals, or to modify the statute to make what exists work more efficiently. Secretary Soumas recognized Mr. Richman's concerns, but stated that the Board needs to find a better way to run the elections. He stated that the Board needs to make a recommendation to the Legislature and State Board because they do not conduct elections. Mr. Savino confirmed with Mr. Ryan that there is an extra PMD slot on the scanner for a third PMD. Commissioner Umane stated that a third PMD would need to be cleared by the State Board. Mr. Richman stated that the Inspectors have a greater deal of responsibility with the new voting machines. Commissioner Sipp stated that the Board should solely recommend the changes as administrators and let the Legislature and State Board make the decisions. He stated that it is not the Board's fault on a lot of these issues because they do not write the laws. President Polanco confirmed that the Board is bound by Election Law to execute Election Night Reporting in a certain fashion. Mr. Richman stated that the Inspectors are required to prepare a Return of Canvass for each ED, then the unofficial tally has to be available to the media in which the NYPD is responsible. The Inspectors have to turn over two (2) copies of the Return of Canvass to the Police Officer (one copy unbound for the NYPD and one copy bound for return to the Board). Mr. Richman noted that the City Board

is the only board of elections in NYS that has that system. The other boards of elections have no legal obligation to release unofficial results.

Secretary Soumas recommended for Mr. Richman to propose a statutory revision that will allow the Board to escape the waste of cutting, pasting, and tallying of results and to give the PMD to the NYPD.

President Polanco recognized Teresa Hommel, a member of the public, who asked Mr. Ryan if the 2nd PMD in the scanner is the same exact copy as the 1st PMD. Mr. Ryan stated that he will check into that matter and report back as soon as possible.

Commissioner Araujo seconded Secretary Soumas' recommendation for Mr. Richman to propose a statutory modification such that the Board is relieved of the obligation entirely of doing the paper tally (unofficial results), and to give the PMD to the NYPD to release the unofficial results on Election Night. Mr. Richman believed that would destroy the integrity of the election. Commissioner Araujo asked Mr. Richman to start reviewing that recommendation and not to take a position at this point. He asked Mr. Richman to explore the recommendation and to report back to the Commissioners with his findings. Mr. Richman stated that he believes that

the current basic procedures are essential to maintain the integrity of the election process. Commissioner Araujo recommended for Mr. Richman to explore where the law can be changed to conform with the new technology. President Polanco noted that a motion was on the floor by Secretary Soumas and was seconded by Commissioner Araujo. Commissioner Barrera abstained. The motion was adopted.

Mr. Richman stated the Board needs the Return of Canvass if there is a close election. Secretary Soumas stated that there is a back-up PMD that has all of the activity including the entire ballot images scanned for review. Mr. Richman was concerned about the paper trail. Ms. Sandow stated that there are other Return of Canvass methods used in other boards of elections. She stated that the City Board does not want to let go of the integrity of the voting system. Commissioner Barrera asked what the canvass procedures were for the old SHOUP voting machines. Mr. Richman reported the following SHOUP machine procedures for the close of the polls:

- The voting machines were locked;
- The Public Counters were exposed;
- Two Inspectors (Democrat and Republican) read off the totals for the Return of Canvass and wrote them down;

- The voting machine was available for inspection by a credited Poll Watcher;
- Any Emergency ballots used in the Emergency Ballot Box were hand counted at the poll site which was added onto the Return of Canvass;
- Affidavit ballots, Certification of each Inspector, and the Public Counters were added to the Return of Canvass as well.

Commissioner Barrera stated that even though there was less paper with the old SHOUP machines the materials still had to be hand counted at that time. She stated that the new machines have a larger volume of paper which makes it more cumbersome. Mr. Richman stated that the only ballots to be manually counted now should be Emergency ballots and abandoned ballots. Commissioner Umane recalled that there used to be a SHOUP machine for every ED, but now there may be, for example, 5 scanners for 8 EDs. He stated that he long results tape has to be cut for each of the scanners to count the numbers for each ED which creates a problem. President Polanco stated that the Legislature will decide whether or not the Board gets to create a new more efficient system in NYC. Commissioner Dent stated that the Board needs to continue to be proactive concerning this matter.

Commissioner Umame moved to authorize Mr. Richman to recommend to the Assembly Committee the urgent need to enact all of the proposals submitted this year by the Board with respect to increasing the ability to perform the functions and better serve the voters along with a new recommendation to amend Section 4-100(3)(1) of the Election Law to increase the number of voters in each election district to not exceed 4,000 in each election district. Secretary Soumas seconded the motion, which was adopted unanimously. Commissioner Umame added that Mr. Richman should let the Assembly Committee know that the City Board is still in the process of making recommendations. Commissioner Stupp stated that the OGC Staff should be in consultation with the Borough Office Staff for a practical implementation to have good election results reporting on Election Night. She noted that the Queens Staff had experience working on the Queens Pilot Program. Ms. Sandow stated that Board Staff has not met with the NYPD Staff yet to discuss the analysis of the Queens Pilot Program because the NYPD has been very busy with "Occupy Wall Street" issues. She reported that Executive Management has scheduled a meeting with the NYPD Staff for next Tuesday morning.

President Polanco asked Mr. Richman if all of the Board's recommendations for changes to the NYS Election Law are matters for

public record. Mr. Richman replied yes. President Polanco asked if any media outlet that needed to see all of the proposals can have access to them. Mr. Richman stated that both the April and June proposals are posted on the Board's website.

President Polanco recognized Garth Marchant, a member of the public, who spoke about the integrity of the Election Night procedures and write-in votes.

Ms. Perkins clarified the items that should be presented at the Assembly Committee on Election Law Public Hearing on December 1, 2011. Mr. Richman stated the Board's April and June Recommended Revisions submissions, and the recommendation of the maximum number of voters should not exceed 4,000 per ED, will be presented. Secretary Soumas recommended providing a written submission to the Assembly Committee.

President Polanco inquired if there was an answer concerning the back-up PMD in the scanner. Mr. Naudus stated that when the Poll Workers close the polls, all of the election data, images, audit logs and results of the election are copied to the back-up PMD, as long as the PMD

was inserted correctly by the VMTs and that the Poll Workers do not shut off the machine or pull out the PMD before it finishes its job. Secretary Soumas asked if the information is the same on both the back-up PMD and the primary PMD at the close of the polls. Mr. Naudus replied that the data is identical, barring any technical problems. Mr. Ryan stated that both PMDs can be read into the Election Night Reporting System, so a copy can be with the Manager at the Police Precinct as well as the Borough Office. Mr. Ryan stated that the Poll Workers can produce a Poll Site Level Results Tape which is shorter (it does not have results by ED) and the ED results are still on the PMDs. There can still be Election Night results by ED at the Police Precincts and the Borough Offices, but shorten the tape by printing a Poll Site Level Tape. Mr. Ryan stated that there will be a lot of audit trails such as the actual ballots, printed results on the tape and the two (2) PMDs that should tie together for checks and balances purposes. Secretary Soumas stated the problem with the Borough Office audit is that it is not done on Election Night and it takes a while to recall all of the machines which is his concern. He stated that there is a delay and a lot of additional work. Secretary Soumas stated that the Borough Office Staff works many hours on Election Day.

Commissioner Barrera requested to discuss a Bronx personnel matter in Executive Session.

President Polanco moved to convene an Executive Session to discuss personnel, investigations and litigation matters. Commissioner Dent seconded the motion, which was adopted unanimously.

Following the Executive Session, the open public meeting resumed and President Polanco reported on the actions taken in Executive Session:

- I. The Commissioners unanimously determined that Jeffrey Lodge, a VMF Technician in the Brooklyn VMF, is placed on thirty (30) days of probation, effective immediately.

President Polanco moved to adjourn the meeting. Commissioner Barrera seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, December 6, 2011 at 1:30 P.M.